

In re Patent Application of
COLEMAN ET AL.
Serial No. 10/761,046
Filed: JANUARY 20, 2004

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for the indication of allowable subject matter. Claims 1-17 remain pending in the application. Favorable reconsideration is respectfully requested.

I. The Claims are Patentable

Claims 1-17 were rejected as allegedly being indefinite for the reasons set forth on page 2 of the Office Action. Applicants direct the Examiner, for example, to pages 4, 5 and 8-10 of the present specification.

Regarding Claims 1, 9 and 14, from a thorough review of the detailed description and associated drawing FIG. 1, it should be clear that the claimed second generator may include Offset DDS 140, converters 110, 120, 130, PLO 20, Controller 100 and switch 80. As described in paragraphs [0026] and [0029], for example, undesired phase discontinuities are created during switching transients. Accordingly, it is clear that such second generator successively switches between different frequency signals F0-F3 while creating undesired phase discontinuities, as claimed.

Also, regarding Claims 9 and 14, Applicants point out that the term "combining" is broad enough to include -mixing-. Accordingly, it is also clear from a review of the detailed description and associated FIGs. 1 and 4, that the first swept frequency signal (from DDS 10) and the successively switched different frequency signals (from Offset DDS 140, converters

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110, 120, 130, PLO 20, Controller 100 and switch 80) are combined by the mixer 70 to produce the relatively wideband swept frequency signal.

Applicants point out that the Examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. §112, second paragraph should be whether the claim meets the threshold requirements of clarity and precision. As the Examiner is aware, the essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. If the scope of the invention sought to be patented can be determined from the language of the claims with a reasonable degree of certainty, a rejection of the claims under 35 U.S.C. §112, second paragraph is not appropriate.

Accordingly, Applicants maintain that Claims 1-17 meet the statutory requirements of 35 U.S.C. §112, second paragraph.


II. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for

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allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 20th day of September, 2005.

